UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,634	03/02/2004	Yasunori Azuma	450100-04961	3082

7590 09/19/2007

FROMMER LAWRENCE & HAUG LLP
745 Fifth Avenue
New York, NY 10151

EXAMINER	
SAVLA, ARPAN P	

ART UNIT	PAPER NUMBER
2185	

MAIL DATE	DELIVERY MODE
09/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

mN

Office Action Summary	Application No.	Applicant(s)	
	10/791,634	AZUMA, YASUNORI	
	Examiner	Art Unit	
	Arpan P. Savla	2185	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 June 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3 and 5-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3 and 5-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This Office action is in response to Applicant's communication filed July 2, 2007 in response to the Office action dated February 27, 2007. Claims 1 and 5 have been amended. Claims 1-3 and 5-7 are pending in this application.

REJECTIONS NOT BASED ON PRIOR ART

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. **As per claim 1**, the claim positively recites that "selected drives are assigned respective node IDs as first addresses and respective port IDs that represent mounted order numbers as second addresses." However, later in the claim, the negative limitation recites a situation in which a particular drive (the particular drive being one of the selected drives) is not assigned the first address and the second address. The negative limitation directly contradicts the earlier positive recitation that [all] the selected drives are assigned the first and second addresses and therefore renders the scope of the claim indefinite.

4. **As per claim 5**, the claim positively recites "assigning respective node IDs as first addresses and respective port IDs that represent mounted order numbers as second addresses to a plurality of selected drives." However, later in the claim, the negative limitation recites a situation in which a particular drive (the particular drive being one of the selected drives) is not assigned the first address and the second address. The negative limitation directly contradicts the earlier positive recitation of assigning respective first and second addresses to [all] the selected drives and therefore renders the scope of the claim indefinite.

5. **As per claims 3 and 6**, the claims recite the limitation "the drives" in lines 2 and 3 respectively. There is insufficient antecedent basis for this limitation in the claims. Applicant may consider amending the limitation to instead read "the selected drives."

REJECTIONS BASED ON PRIOR ART

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman et al. (U.S. Patent 6,757,694) (hereinafter "Goodman") in view of Allen et al. (U.S. Patent Application Publication

2002/0161852) (hereinafter "Allen") and in further view of Golasky et al. (U.S. Patent 6,880,101) (hereinafter "Golasky").

8. **As per claim 1**, Goodman discloses a tape library apparatus (col. 2, lines 5-7; Fig. 1) to which a node ID is assigned (col. 2, lines 46-48; Figs. 1 and 5, element 47) and that is connected to a host computer (col. 2, line 33; Fig. 3, element 28), comprising:

a plurality of drives for recording and reproducing data to and from respective large capacity tape recording mediums, the drives having respective interfaces being capable of transferring large capacity data to the host computer (col. 2, lines 7-10, 25-28, and 32-35; Fig. 1, elements 12 and 14; Fig. 3, elements 28 and 29). *It should be noted that "reading/read from" is analogous to "reproducing", "data storage media" is analogous "tape recording mediums", and "host system" is analogous to "host computer."*

Wherein selected drives are assigned respective port IDs that represent mounted order numbers as second addresses (col. 3, lines 43-44; col. 4, lines 38-39) and the interfaces are activated (col. 2, 25-28 and 32-35; Fig. 3, element 29). *It should be noted that "drive position" is analogous to "mounted order number." It should also be noted that it is inherently required the interface be activated in order for the host system to read and write data to and from the tape drives.*

Goodman does not expressly disclose selected drives are assigned respective node IDs as first addresses;

and wherein an address previously assigned to the one of the selected drives upon production is used when (i) a particular drive is not assigned the first address and the second address and (ii) a command causing the particular drive to be assigned the first address and the second address is not received from the host computer.

Allen discloses selected drives are assigned respective node IDs as first addresses and respective port IDs as second addresses (paragraph 0047, lines 7-8; Fig. 2, elements 255, 260, and 265). *It should be noted that "node_name" is analogous to "node ID" and "port_name" is analogous to "port ID."*

Goodman and Allen are analogous art because they are from the same field of endeavor, that being Fibre Channel systems.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement Allen's World Wide Name (WWN), which contains both a node ID and port ID, within Goodman's WWN, which is dependent on drive position.

The motivation for doing so would have been to gain the benefit of uniquely identifying and tracking devices connected to a Fibre Channel network through a SCSI bridge (Allen, paragraph 0027).

The combination of Goodman/Allen does not expressly disclose wherein an address previously assigned to the one of the selected drives upon production is used when (i) a particular drive is not assigned the first address and the second address and (ii) a command causing the particular drive to be assigned the first address and the second address is not received from the host computer.

Golasky discloses an address previously assigned to the one of the selected drives upon production is used when (i) a particular drive is not assigned the first address and the second address and (ii) a command causing the particular drive to be assigned the first address and the second address is not received from the host computer. (col. 5, lines 28-33). *It should be noted that "WWN" is analogous to "address that has been assigned to the drive upon production."*

The combination of Goodman/Allen and Golasky are analogous art because they are from the same field of endeavor, that being Fibre Channel systems.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement Golasky's WWN within Goodman/Allen's Fibre Channel system.

The motivation for doing so would have been to assign Fibre Channel devices with unique global IDs that identify the device's vendor and serial number, thus providing SAN management which includes compartmentalization, authorization, and securitization.

Therefore, it would have been obvious to combine Goodman, Allen, and Golasky for the benefit of obtaining the invention as specified in claim 1.

9. **As per claim 2**, the combination of Goodman/Allen/Golasky discloses when a new drive is mounted on the tape drive apparatus, the newly mounted drive is assigned the first address and the second address in accordance with a command received from the host computer (Goodman, col. 4, lines 39-42; col. 2, lines 28-32). *It should be noted*

that WWN assigned to the new drive is taken to be the combination of Goodman's WWN and Allen's WWN as established in the 35 USC 103 rejection of claim 1 above.

10. **As per claim 3**, the combination of Goodman/Allen/Golasky discloses when the mounted position of each of the drives is changed, the moved drive is assigned the first address and the second address in accordance with a command received from the host computer (Goodman, col. 4, line 60 – col. 5, line 6; col. 2, lines 28-32). *It should be noted that when a drive is moved its position in the library will change. However, since the WWN is based in part on drive position, the moved drive will be assigned a new WWN.*

11. **As per claim 5**, Goodman discloses a method of controlling a tape library apparatus to which a node ID is assigned (col. 2, lines 46-48; Figs. 1 and 5, element 47) and that is connected to a host computer (col. 2, line 33; Fig. 3, element 28), comprising the steps of:

assigning respective port IDs that represent mounted order numbers as second addresses to a plurality of selected drives (col. 3, lines 43-44; col. 4, lines 38-39) for recording and reproducing data to and from respective large capacity tape recording mediums (col. 2, lines 7-10, 25-28, and 32-35; Fig. 1, elements 12 and 14; Fig. 3, elements 28 and 29), the selected drives having respective interfaces being capable of transferring large capacity data to the host computer (col. 2, 25-28; Fig. 3, element 29),

and activating the interfaces (col. 2, 25-28 and 32-35; Fig. 3, element 29).

Please see citation notes for claim 1 above.

Goodman does not expressly disclose assigning respective node IDs as first addresses to a plurality of selected drives;

and using an address previously assigned to one of the selected drives up production when a particular drive is not assigned the first address and the second address and a command causing the particular drive to be assigned the first address and the second address is not received from the host computer.

Allen discloses assigning respective node IDs as first addresses and respective port IDs as second addresses to a plurality of selected drives (paragraph 0047, lines 7-8; Fig. 2, elements 255, 260, and 265). *Please see the citation notes for claim 1 above.*

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement Allen's World Wide Name (WWN), which contains both a node ID and port ID, within Goodman's WWN, which is dependent on drive position.

The motivation for doing so would have been to gain the benefit of uniquely identifying and tracking devices connected to a Fibre Channel network through a SCSI bridge (Allen, paragraph 0027).

The combination of Goodman/Allen does not expressly using an address previously assigned to one of the selected drives up production when a particular drive is not assigned the first address and the second address and a command causing the particular drive to be assigned the first address and the second address is not received from the host computer.

Golasky discloses using an address previously assigned to one of the selected drives up production when a particular drive is not assigned the first address and the

second address and a command causing the particular drive to be assigned the first address and the second address is not received from the host computer. (col. 5, lines 28-33). *Please see the citation note for claim 1 above.*

The combination of Goodman/Allen and Golasky are analogous art because they are from the same field of endeavor, that being Fibre Channel systems.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement Golasky's WWN within Goodman/Allen's Fibre Channel system.

The motivation for doing so would have been to assign Fibre Channel devices with unique global IDs that identify the device's vendor and serial number, thus providing SAN management which includes compartmentalization, authorization, and securitization.

Therefore, it would have been obvious to combine Goodman, Allen, and Golasky for the benefit of obtaining the invention as specified in claim 5.

12. **As per claim 6**, the combination of Goodman/Allen/Golasky discloses when a new drive is mounted on the tape drive apparatus, assigning the newly mounted drive the first address and the second address in accordance with a command received from the host computer (Goodman, col. 4, lines 39-42; col. 2, lines 28-32). *Please see the citation note for claim 2 above.*

13. **As per claim 7**, the combination of Goodman/Allen/Golasky discloses when the mounted position of each of the drives is changed, assigning the moved drive the first address and the second address in accordance with a command received from the host

computer (Goodman, col. 4, line 60 – col. 5, line 6; col. 2, lines 28-32). *Please see the citation note for claim 3 above.*

Response to Arguments

14. Applicant's arguments filed June 27, 2007 with respect to **claims 1-3 and 5-7** have been fully considered but they are not persuasive.

15. With respect to Applicant's argument in section II of the communication filed June 27, 2007, the Examiner respectfully disagrees. The Examiner submits that Applicant's claim amendments still suffer from the prior deficiencies under 112, second paragraph because the "particular drive" is merely a subset of the "selected drives" and therefore the particular drive is still assigned respective node IDs as first addresses and respective port IDs that represent mounted order numbers as second addresses (the same as all of the selected drives) under any and all circumstances. Accordingly, the negative limitation still contradicts the positive recitation of the second limitation in both claims 1 and 5.

16. With respect to Applicant's arguments in the first and third full paragraphs on page 8 of the communication filed June 27, 2007, the Examiner respectfully disagrees and refers Applicant to both the prior art rejection as well as the 35 U.S.C. 112, second paragraph rejection of claim 1 above.

17. With respect to Applicant's argument in the last paragraph on page 8 of the communication filed June 27, 2007 the Examiner respectfully disagrees. Firstly, the Examiner submits that Golasky's unique WWN assigned by the IEEE to the

manufacturer upon building of the fibre channel device is indeed equivalent to an address previously assigned to the drive upon production. Secondly, the Examiner notes that the limitation in question above is a negative limitation. Accordingly, the Examiner asserts that Golasky discloses selected drives (and therefore also the "particular drive") are assigned the first address and the second address and a command causing the drive to be assigned the first address and the second address is received from the host computer. Consequently, Golasky sufficiently discloses an address previously assigned to one of the selected drives (i.e. the particular drive) upon production ("WNN") is used when the particular drive is not assigned the first address and the second address (which is always the case in Golasky) and a command causing the drive to be assigned the first address and the second address is not received from the host computer (which, again, is always the case in Golasky).

18. As for Applicant's arguments with respect to the dependent claims, the arguments rely on the allegation that the independent claims are allowable and therefore for the same reasons the dependent claims are allowable. However, as addressed above, the independent claims are not allowable, thus, Applicant's arguments with respect to the dependent claims are not persuasive.

Conclusion

STATUS OF CLAIMS IN THE APPLICATION

The following is a summary of the treatment and status of all claims in the application as recommended by MPEP 707.70(i):

CLAIMS REJECTED IN THE APPLICATION

Per the instant office action, **claims 1-3 and 5-7** have received a second action on the merits and are subject of a second action final.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arpan P. Savla whose telephone number is (571) 272-1077. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sanjiv Shah can be reached on (571) 272-4098. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Arpan Savla
Art Unit 2185
September 10, 2007

SANJIV SHAH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100